



U.S. Department  
of Transportation

**Federal Aviation  
Administration**

Aviation Safety

800 Independence Ave  
Washington, DC 20591

October 25, 2021

Exemption No. 17638B  
Regulatory Docket No. FAA-2017-0725

Ms. Ashtyn Kupser  
Sr. Manager, Operations Regulatory Compliance  
Sun Country Airlines  
2005 Cargo Road  
Minneapolis, MN 55450

Dear Ms. Kupser:

This letter is to inform you that the Federal Aviation Administration (FAA) has granted your petition to extend Exemption No. 17638A. This letter transmits the FAA's decision, explains the FAA's basis, and provides the conditions and limitations of the exemption, including the date the exemption ends.

### **The Basis for the FAA's Decision**

By letter dated September 16, 2021, you petitioned the FAA on behalf of Sun Country, Inc. d/b/a Sun Country Airlines (Sun Country) for an extension of Exemption No. 17638A. That exemption from § 121.629(b) of Title 14, Code of Federal Regulations (14 CFR) allows a Sun Country aircraft to take off when frost, ice or snow is adhering to the wings, where the Original Equipment Manufacturer (OEM) of the B-737-700, -800 Next Generation (NG) airplanes has determined that a "safe" zone within which cold soaked fuel frost (CSFF) is permissible, has visibly marked the zone on the wing, and has placed an appropriate limitation in the Airplane Flight Manual (AFM) that the FAA has approved.

In your petition, you indicate that there has been no change in the conditions and reasons relative to public interest and safety that were the basis for granting the original exemption.

### **The FAA's Decision**

The FAA has determined that good cause exists for not publishing a summary of the petition in the *Federal Register*. The FAA has determined that good cause exists because the requested extension of the exemption would not set a precedent and any delay in acting on this petition would be detrimental to Sun Country.

The FAA has determined that the justification for the issuance of Exemption No. 17638A remains valid with respect to this exemption and is in the public interest. Therefore, under the authority provided by 49 U.S.C. §§ 106(f), 40113, and 44701, which the FAA Administrator has

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delegated to me, I hereby grant Sun Country, Inc. d/b/a Sun Country Airlines an exemption from 14 CFR § 121.629(b) to the extent necessary to allow a Sun Country aircraft to take off when frost, ice or snow is adhering to the wings, where the Original Equipment Manufacturer (OEM) of the B-737-700, -800 Next Generation (NG) airplanes has determined that a “safe” zone within which cold soaked fuel frost (CSFF) is permissible, has visibly marked the zone on the wing, and has placed an appropriate limitation in the Airplane Flight Manual (AFM) that the FAA has approved, subject to the following conditions and limitations.

### **Conditions and Limitations**

1. The dispatch and takeoff with CSFF on upper wing surfaces only applies to Sun Country Boeing 737-700 and 737-800 NG aircraft as specified in the Boeing engineering and aeronautical analysis.
2. Sun Country will use and adhere to the revised Boeing AFM miscellaneous limitations for CSFF in all instances concerning CSFF.
3. This exemption does not relieve Sun Country from any other limitation or requirements with regard to deicing and anti-icing operations.
4. This exemption is provided and effective under the following conditions:

- (a) The appropriate Sun Country operations manual contains the following limitations and conditions from the FAA approved B-737-700, 737-800 NG AFM:

Takeoff with cold soaked fuel frost on the wing tank upper surfaces is not permitted if any of the following conditions are present:

- (1) The ambient air temperature is below +4 degrees C, +39 degrees F.
- (2) The tank fuel temperature is below -16 degrees C, +3 degrees F.
- (3) There is cold soaked fuel frost on the wing tank upper surfaces that is beyond the lines defining the permissible cold soaked fuel frost area.
- (4) There is precipitation or visible moisture (rain, snow, drizzle, or fog with less than 1-mile visibility).

- (b) FAA has approved the Sun Country CSFF pilot training program and any assigned pilots must have been trained prior to applying CSFF exemption standards.
- (c) Sun Country must provide ground and operational training to all pilots and ground personnel to ensure each is able to discern clearly the applicability of the CSFF exemption requirements, to include identifying which Sun Country

aircraft have the painted CSFF upper wing areas. The training must include recognition of those airplanes approved for CSFF exemption.

(d) The pilot-in-command retains final authority for takeoff of a flight with CSFF.

Failure to comply with any of the above conditions and limitations may result in the immediate suspension or rescission of this exemption.

### **The Effect of the FAA's Decision**

The FAA's decision amends Exemption No. 17638A to 17638B and extends the termination date to October 31, 2023, unless sooner superseded or rescinded.

To request an extension or amendment to this exemption, please submit your request by using the Regulatory Docket No. FAA-2017-0725 (<http://www.regulations.gov>). In addition, you should submit your request for extension or amendment no later than 120 days prior to the expiration listed above, or the date you need the amendment, respectively.

Any extension or amendment request must meet the requirements of 14 CFR § 11.81.

Sincerely,

/s/

Robert C. Carty  
Acting Executive Director, Flight Standards Service